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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,652	11/29/2001	Naoto Ohashi	SHC0160	7387

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EXAMINER

REICHLE, KARIN M

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 08/19/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,652

Applicant(s)

OHASHI ET AL.

Examiner

Karin M. Reichle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 24 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Specification

1. The 3-24-03 response does not comply with 37 CFR 1.121 because it does not show all the changes made to the specification since the preliminary amendment. The requirement has been waived with regard to the substitute specification and abstract. The Examiner has made the necessary red ink changes to the claims to bring them into compliance. A further response, if any, must be in compliance with 37 CFR 1.121 in that all the changes to the application as of 3-24-03 must be set forth.

2. The substitute specification filed 3-24-03 has been entered.

Drawings

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 3-24-03 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

4. The drawings are objected to because in Figure 2, the line from the rightmost 29 should also be dashed to denote underlying structure, see Figure 3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the invention as claimed in claims 3 and 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Description

6. The abstract of the disclosure is objected to because on line 3, "member" should be -core-- and "core" should be --absorbent member--. See remainder of description on pages 1-15 of the application. On line 4, "of" should be --adjacent--. Correction is required. See MPEP § 608.01(b).

7. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: page 1, line 15, the spacing of the words on line 16 of page 1 as well as page 4, line 67, page 5, line 20, page 6, line 10, page 7, line 4, page 10, lines 15 and 17, and page 11, line

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2; page 2, line 12, page 3, line 4, page 6, line 14, page 7, line 12, page 9, lines 5 and 20, page 10, line 14, page 11, lines 1 and 15, page 12, line 3, page 16, line 10.

8. The disclosure is objected to because of the following informalities: 1) The Summary of the Invention section, i.e. a description of the claimed invention, and the invention of the claims should be commensurate, see MPEP 608.01(d) and 1302.01. 2) Since "MAGICTAPE"(R) on page 7, line 5 is a trademark, it should be shown with either all capital letters or a symbol but not both. 3) On page 9, line 17, "36"(second) should be --37--. 4) While the amended description at page 15, lines 14-18 is supported by the originally filed Figures, such description is inconsistent with the description at page 15, lines 12-14, i.e. should the description of Figure 9 be positioned on page 15, line 12, after "37."?

Appropriate correction is required.

Claim Objections

9. Claims 1-8 are objected to because of the following informalities: in claim 1, line 11, "member" should be --core-- and on line 13, "extend" should be --extends--. In claim 2, line 1, "A" should be --The--. In claim 4, line 2, "member" should be --core--. In claims 6 and 7, line 2, before "core", --fluid-- should be inserted. Appropriate correction is required.

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Claim Rejections - 35 USC § 102

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 1, 2, 4-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Morin '003.

See Figures, especially the lower right cutaway corner of Figure 1 which shows the grooves 17 stopping at the solid transverse line spaced inwardly of the longitudinal end of the pad, i.e. the grooves do not extend all the way to the longitudinal ends of the pad, col. 1, lines 17-18, col. 2, lines 11-14 and 29-32, col. 3, lines 34-38 and 66-69, col. 4, lines 11-16 and 37-64 and claim 12 of Morin, i.e. cover member is 13, topsheet is 11, core is 12 and backing sheet is 15, groove(s) are 17. See also response to Applicant's arguments *infra*.

Claim Rejections - 35 USC § 103

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morin in view of the American Heritage Dictionary definition of "grid" and Megison et al.

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Applicants claim first grooves extending longitudinally and second grooves extending orthogonally to the first grooves, intersecting with the first grooves and extending to transverse side edges of the absorbent member. It is Examiner's first position that the portions of Morin cited supra teach such structure. In any case, Morin teaches the grooves can be interconnected strips, can extend longitudinally and transversely and can be in the form of a grid. The American Heritage Dictionary teaches a grid is "A frame work of parallel or crisscrossed bars, gridiron" or "A pattern of horizontal and vertical lines forming squares of uniform size on a map, chart aerial ...points". Also see Megison et al, Figures and col. 9, lines 10-14. To employ the claimed pattern of grooves on the Morin device(if not already) would be obvious to one of ordinary skill in the art in view of The American Heritage Dictionary and Megison in view of the recognition that such pattern includes interconnected strips which extend longitudinally and transversely in the form of a grid and the desire of Morin to employ such or similar patterns. See also the response to Applicant's arguments *infra*.

14. Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glassman in view of Morin and Johnston et al.

Glassman teaches all the claimed structure, except for grooves being formed in the backsheet facing side, i.e. see Figures 1, 3, 5, cover is 11, member is 17, topsheet is 14a, core is 13a and backing sheet is 12a, the adhesive detachably fixing the member to the cover is 22, see col. 2, lines 63-65 and col. 4, lines 19-23, grooves are 25, see col. 3, lines 32-37 and claims 7-8. The grooves 25 are for distributing moisture within the member and prevent puddling. Also note

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the cited portions of Morin, i.e. grooves 17 are for distributing moisture within absorbent member and prevent puddling, and Figures 2 and 4 and col. 6, lines 17-24 of Johnston et al, i.e. grooves for distributing moisture may channels or grooves on one or both major surfaces for fluid distribution. To employ grooves on both sides of the insert of Glassman et al instead of just one side would have been obvious to one of ordinary skill in the art in view of the teachings of Morin and Johnston et al due to the recognition that such would improve the distribution of moisture, i.e. more grooves for distribution, and Glassman's desire for such distribution as well as the interchangeability of channels on both sides for channels on one side as taught by Johnston et al. See also the response to Applicant's remarks infra.

Response to Arguments

15. Applicant's remarks on pages 4-6 with respect to informal matters have been considered but are either deemed moot in that the issue discussed has not been reraised or deemed nonpersuasive for the reasons set forth supra. With regard to showing the structure claimed in claims 3 and 8, Figure 7 does not show the second groove orthogonal to the first groove and the detachably fixed feature of claim 8 does require separate illustration because it is specifically claimed and is not disclosed as conventional. Even in the latter case, 37 CFR 1.83 sets forth such should be shown as a labeled representation. Applicant's remarks on pages 7-9 with regard to the prior art rejections relying on Morin have been considered but are deemed

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nonpersuasive since such are narrower than the claim language and the teachings of Morin, e.g. as discussed above the Figure 1 of Morin show grooves 17 extending short of the ends of the diaper or pad and the claims do not require any air permeability specifics. Furthermore Applicant's conclusions that the grooves must extend the full length are unsubstantiated by evidence, i.e. contrary to Applicant's allegations Morin does not require the grooves to extend the full length of the pad. Note again figure 1 and also col. 4, lines 37-42 and "end portions" not end edges. Applicant's remarks on pages 10-11 have been considered but are deemed nonpersuasive in that such arguments are narrower than the teachings of the prior art that fluid distribution in a member to prevent puddling is achieved by grooves in at least one major surface and optimally both surfaces. Contrary to Applicant's remarks Morin teaches that the grooves 17 are for fluid distribution. It is also noted that the fluid distribution member of Johnston having the channels is disclosed as hydrophilic as defined at col. 5, lines 19-21, i.e. can be absorbent.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any new grounds of rejection were necessitated by Applicant's amendment to claim 1, i.e. the addition of the last three lines.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (703) 308-2617. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on (703) 308-1957. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.


Karin M. Reichle
Primary Examiner
Art Unit 3761

August 12, 2003

KMR